

REMARKS

Claims 1 through 18 were pending in the application. By way of this amendment, new claims 19 through 28 have been added to further define the invention. New claims 27 and 28 are supported by at least paragraph 0087 of the application.

The applicants appreciate the Examiner's indication that claims 6 through 9 contain allowable subject matter. Also, the Examiner's consideration of applicants' information disclosure statements is appreciated.

Claims 1 through 5 and 11 through 18 stand rejected as anticipated by Kensey '178. Claim 10 stands rejected under Section 103 as being unpatentable over Kensey '178 in view of Kensey '158.

By way of this amendment, the claims have been amended to further define the invention. It is respectfully submitted that the amended claims are clearly patentable for at least the following reasons.

At the outset, the applicants would first like to briefly describe various aspects of their invention. More specifically, one implementation of the invention will be described with respect to the enclosed markup of Figures 5, 7, 8, and 9.

As shown in the attached markup of Figure 5, the arrangement comprises a housing 100 with an actuator 200 which is used to close a puncture in the wall of a blood vessel. Such a puncture may occur from various surgical procedures which require access to the blood system, such as the installation of stents. Figure 7 shows the operation of a first mode wherein the actuator 200 has been pushed into the housing 100 which in turn pushes a seal 501 into the blood vessel. In Figure 8, the housing 100 is retracted until the seal 501 is pulled against the wall 3 of the blood vessel. Tension in a filament holding the seal 501 (the tension resulting from the retraction of the housing 100) causes the actuator 200 to pop out of the housing. This places the device into a configuration where it can be operated in a second mode. Figure 9 illustrates the second mode wherein the actuator 200 is again pressed into the housing 100, which causes a tamping member 505 to tamp an outer member adjacent the

blood vessel wall 3 outside of the blood vessel. Figure 12 of the as-filed application provides a better view of the inner member 501, the outer member 502, and the tamping member 505.

Of course, the drawings illustrate one implementation of the invention and various modifications, variations, and the like exist.

Turning now to Kensey '178, as shown in Figures 1 and 2 of Kensey '178, a plunger 74 is operated in order to release an anchoring member 38 inside a body cavity. Then, as shown in Figure 3 of Kensey '178, the entire tool is removed except for tamping member 84. (The plunger 74 is part of the deployment instrument as described in column 10, lines 6 and 7 from the bottom, and the deployment instrument is removed, as discussed in column 11, first full paragraph and in column 6, second full paragraph.)

Claim 1 has been amended to further define the invention. As set forth in amended claim 1, the actuator is configured to be both contacted and operated by the user in both the first and second modes. Kensey '178 clearly does not disclose or suggest this feature. If the claimed actuator is considered to be plunger 74, this feature cannot be present in Kensey '178 because plunger 74 is not even present during the second mode, as shown by Figure 3 of Kensey '178. The claimed actuator cannot be tamping member 84 because tamping member 84 is inaccessible during the first mode, as shown in Figure 2 of Kensey '178. Independent method claim 17 has been amended to recite that the insertion tool includes a housing and that the insertion tool is operated in the second mode by moving the actuator relative to the housing while the housing supports the actuator. This clearly is not disclosed or suggested in Kensey '178 because no housing is present during the second mode, as shown by Figure 3. New independent claim 22 is clearly not disclosed or suggested by Kensey '178 for at least the reason that it requires a housing which supports the actuator in both the first and second modes and Kensey '178 does not use any housing in the second mode, as shown by Figure 3.

The secondary reference does not overcome the deficiencies of the primary reference. It is thus respectfully submitted that the application is now in condition for allowance.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 28, 2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

By 
Glenn Law
Attorney for Applicant
Registration No. 34,371